IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPLICATION NO.134 OF 2002

The Commissioner of Income Tax ..Applicant

Vs.

Dhru & Co. ..Respondent

Mr.A.Kotangale i/b.Mr.H.D.Rathod for the Applicant.
Mr.J.D.Mistry i/b. M/s.Dhruv & Co. for the Respondent.

CORAM :- DR.S.RADHAKRISHNAN &
J.P.DEVADHAR,JJ.

DATE : 9TH JANUARY,2007

P.C.

1. Heard the learned Counsel for the parties. It appears that the two questions have been raised in the application, which read as under :-

1. "Whether on the facts and in the circumstances of the case, the ITAT was right in law in directing to treat M/s.Pathare Dhru & Co., and M/s.Dhru & Co. as two units of assessment for the purpose of income tax in view of the inter-locking of funds and interlocking of professional activities ?

2. "Whether on the facts and in the circumstances of the case, the ITAT was right in law in directing that income returned by

M/s.Pathare Dhru & Co. assessed in the hands of the assessee on substantive basis be excluded therefrom to be taxed on substantive basis in the hands of M/s.Pathare Dhru & Co.?

2. With regard to both the aforesaid questions, the Tribunal has relied upon its own decision of the earlier Assessment Year.

3. The learned Counsel for the Applicant states that the Revenue is not able to trace the record and unable to state that whether the earlier order passed by the Tribunal was challenged or not.

4. Under the aforesaid facts and circumstances, it is clear that the Revenue appears to have accepted the decision of Income Tax Appellate Tribunal. Under the aforesaid facts and circumstances of the case, there is no substantial question of law involved in the matter. Hence, the Application stands dismissed.

(DR.S.RADHAKRISHNAN,J.)

(J.P.DEVADHAR,J.)